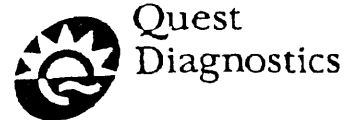


Quest Diagnostics Incorporated
Department: (Toxicology)
Address: 4230 Burnham Ave. Las Vegas, NV 89119
Phone: 702-733-7866
www.questdiagnostics.com

**FAX COVER SHEET**

DATE: 11-25-02

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TO: LAUREL FARRAR
COMPANY: EZEEL J. CHANCEY

PHONE:

FAX: 334-247-3842

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AMERICAN MEDICAL LABORATORIES, INC.

PATIENT	MISLETT, MARY	AML ROUTE	AML	7095
EX	IN	REFERRED BY	TOXICOLOGY MISCELLANEOUS ACCT	
COLLECTED	10/23/2004 13:00	ACCESSION NO	01515279	ATTN: TOXICOLOGY CLIENT SERVICE
CESSIONED	10/23/2004 13:00	MED. RECORD NO	001190581	4850 AUBURN AVE.
COLOGY NO	020325107	CHART NO		LAS VEGAS, NV 89119
		SS NO		

TOXICOLOGY REPORT

TOXICOLOGY, MISCELLANEOUS

RESULTS: SPECIMEN: ITEM # 15, A CLOUDY LIQUID.

RESULTS: METHAMPHETAMINE - 1.00 NG/ML.
EPHEDRINE AND PSEUDOPHEDRINE IDENTIFIED.

LARREL FARRAR CEO
EZELL & CHANDLER, L.L.P.
1200 8TH AVE
PHENIX CITY, AL 36967



AMERICAN MEDICAL LABORATORIES, INC.

Las Vegas, Nevada 89115
(702) 733-3790 • (800) 433-2750
www.aml.comTechnical Director, Toxicology
CAP 105-59109-04-011

PATIENT: [REDACTED]

AML ROUTE

AML

1599

REFERRED BY

TOXICOLOGY - MISCELLANEOUS

SEX

M

ACCESSION NO

01010000

ATTN: FAX: 1-800-433-2750

COLLECTED: 10/22/2000 11:00

MED. RECORD NO

001000001

1200 BURNING

DISPOSITIONED: 10/23/2000 11:00

CHART NO

LAS VEGAS, NV 89119

COLOGY NO: 0200000100

SS NO

TOXICOLOGY REPORT

TOXICOLOGY, MISCELLANEOUS

RESULTS: SPECIMEN: ITEM #9, A CLEAR LIQUID

RESULT: METHAMPHETAMINE = 309 NG/ML.

COCAINE AND PSEUDOEPHEDRINE IDENTIFIED.

CARREL PARKER, JR.
EZELL & CHANDLER, L.P.
1200 8TH AVE
PHOENIX CITY AL 35007

PRINTED: 11/25/2006 15:29

Page 1 of 1 FORM NO. C1-035 (10/06)

CURRICULUM VITAE

JOHN E. HIATT, PH.D.

GRADUATE

Occidental College, Los Angeles, California	1963
A. B. degree with honors in chemistry.	
Yale University Graduate School, New Haven, Connecticut	1968
Ph.D. in organic chemistry.	

POSTDOCTORAL STUDIES

Department of Chemistry, Stanford University Stanford, California 94304 Position: Postdoctoral Research Fellow in Organic Chemistry	1968-1970
Clinical Laboratory, University of California Medical Center, San Francisco, California 94122 Position: Postdoctoral trainee in Clinical Chemistry	1971-1973

EMPLOYMENT

June 1976 - Present, Associated Pathologists Laboratories, Inc., 4230 So. Burnham Ave., Suite 250, Las Vegas, NV 89107.
Position: Technical Director - Responsible for solution of technical problems in all areas of the laboratory. Also serve as Certifying Scientist and Technical Resource in the Toxicology Department.

February 1973 - June 1976, Valley Clinical Laboratories, 74-040 El Paseo, Palm Desert, CA 92260.
Position: Clinical Chemist and Assistant Laboratory Director - Responsible for methods, instrumentation and quality control.

OTHER

Qualified as an expert witness in the Eighth Judicial District of the State of Nevada on the subject of analyses of drugs and alcohol in biological fluids and interpretation of same.

**ASSOCIATED PATHOLOGISTS LABORATORIES
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 10/09/97

Name: John E. Hiatt, Ph.D.

Title: Technical Director

EXPERIENCE IN THE FOLLOWING DISCIPLINES			
Controlled Substances	XXX	Blood Alcohol	XXX
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology	XXX	Firearms	
Latent Prints		Crime Scene Investigation	
Serology		Clandestine Laboratory Response Team	
Document Examination	XXX	DNA Analysis	

EDUCATION

Institution	Dates Attended	Major	Degree Completed
Occidental College, Los Angeles, CA.	1963	Chemistry	A.B.
Yale University Graduate School, Connecticut	1968	Organic Chemistry	Ph.D.

ADDITIONAL TRAINING / SEMINARS

Course / Seminar	Location	Dates
Postdoctoral Research Fellow in Organic Chemistry	Department of Chemistry, Stanford University	1968-1970
Postdoctoral trainee in Clinical Chemistry	Clinical Laboratory, University of California Medical Center	1971-1973

COURTROOM EXPERIENCE

Court	Discipline	Number of Times
Eighth Judicial District Court, Clark County, Nevada	Expert Witness to testify regarding the analysis of alcohol and controlled substance in biological samples	Several
City of Las Vegas Municipal Court, Las Vegas, Nevada.	Expert witness concerning analysis of alcohol and drugs of abuse.	Several

State of Alabama Unified Judicial System Form ARAP-1A	TRANSCRIPT PURCHASE ORDER OF APPELLANT - CIVIL (See Rules 10(b) and 11(a) of the Alabama Rules of Appellate Procedure)	Appellate Case Number (To be filled in by appellate court)
---	--	---

APPELLANT

JERRY EUGENE WHITLEY

v. APPELLEE

STATE OF ALABAMA

Civil Action Number

Trial Judge

GEORGE R. GREENE

Court Reporter

County

RUSSELL

Date of Notice of Appeal

1/14/03 / 1/17/03

ORAL & WRITTEN

PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE NOTICE OF APPEAL.

A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):
NOTE: Exhibits are included in the clerk's record and need not be specified - see Rule 10(b)(1), A.R.App.p.

☒ Entire Transcript☐ Testimony of Plaintiff☐ Testimony of Defendant☐ Testimony of Witness _____☐ Testimony of Witness _____☐ Oral Charges to the Jury☐ Objection to Oral Charge☐ Objection to Refused Requested Written

Charge(s), Numbers _____

☐ Others: _____

NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to Pages 4 and 5.

B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to be included in the record.

Date 1/23/03

Signature

Telephone Number 334-297-2400

NOTE: Upon Completion of PART I, Appellant should distribute pages as follows:

* Pages 1, 2 and 3 - Court Reporter	Page 4 - Trial Court	Page 5 - Appellee	Page 6 - Retained by Appellant
-------------------------------------	----------------------	-------------------	--------------------------------

PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.

A. Date Transcript Purchase Order Received

Estimated Completion Date

Estimated Number of Pages

Estimated Cost

B. I CERTIFY THAT ☐ I HAVE ☐ I HAVE NOT (check one) been paid the estimated cost of the transcript.

Date

Signature

Telephone Number

NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:

* Pages 1 and 2 - Retained by the Court Reporter	Page 3 - Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.
--	---

PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT.

NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (Page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties.

I CERTIFY that I have this date completed and filed with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number: _____

I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).

Dated this _____ day of _____

Court Reporter

NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:

* Page 1 - Retained by the Court Reporter	Page 2 - Transmitted to the Appropriate Appellate Court
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* Distribution Code:	Page 1: White	Page 2: Blue	Page 3: Green	Page 4: Canary	Page 5: Pink	Page 6: Goldenrod
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STATE OF ALABAMA
IN THE CIRCUIT COURT FOR THE COUNTY OF RUSSELL
TWENTY-SIXTH JUDICIAL CIRCUIT
CRIMINAL

STATE OF ALABAMA

v.

Case Nos. CC 02-186, 187, 188

JERRY E. WHITLEY,

Defendant.

SUPPRESSION HEARING

Before:

Honorable George R. Greene
Phenix City, Alabama - August 26, 2002

APPEARANCES:

For the State:
Buster Landreau, Esq.
Chief Deputy District Attorney

For the Defendant:
Laurel W. Farrar, Esq.
Phenix City, Alabama

Linda S. Wilson
Official Court Reporter

1 THE COURT: State of Alabama versus Jerry
2 Whitley.

3 MS. FARRAR: Defendant's here, Your Honor.

4 THE COURT: State ready to proceed?

5 MR. LANDREAU: State's ready, Your Honor.

6 MS. FARRAR: Defense is ready, Your Honor.

7 THE COURT: This is on a motion to suppress;
8 is that correct?

9 MS. FARRAR: Yes, Your Honor.

10 MR. LANDREAU: That's correct.

11 THE COURT: Who would the State call as its
12 first witness?

13 MR. LANDREAU: Your Honor, we'd ask that the
14 Rule be invoked.

15 THE COURT: Would grant your motion.

16 MR. LANDREAU: There's two over here that I
17 think the defense called.

18 (Brief pause.)

19 THE COURT: What is sought to being
20 suppressed at this point? What evidence are you
21 seeking to suppress?

22 MS. FARRAR: Your Honor, I had filed a
23 suppression motion to suppress the arrest, any
24 statements, any seized contraband. Suppress the
25 search warrant which was --

1 THE COURT: And upon what grounds do you
2 base this motion?

3 MS. FARRAR: That the search was -- the
4 arrest was in itself illegal because it was a
5 warrantless arrest and doesn't fall under any of
6 the exceptions.

7 THE COURT: Who would the State call as its
8 first witness?

9 MR. LANDREAU: Call Jim Price as our first
10 witness.

11 JAMES PRICE

12 was sworn and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. LANDREAU:

15 Q State your name, please, sir?

16 A James Price.

17 Q Where are you employed, Mr. Price?

18 A I'm a sergeant with the Harris County Sheriff's
19 Department.

20 Q And are you assigned to any other organization?

21 A I'm currently assigned to the Metro Narcotics
22 Task Force.

23 Q And as part of your duties with the Metro
24 Narcotics Task Force, did you investigate some
25 information that your agency received on

1 September 21st, 2001, concerning Rusk Trailer
2 Park?

3 A Yes, sir.

4 Q How did y'all receive that information?

5 A Agent Whitten had received information from
6 Officer Ricky Lawrence that he had a subject that
7 had information on a meth lab at that location.

8 Q Do you recall exactly what the subject told you
9 in reference to this methamphetamine lab?

10 MS. FARRAR: Objection. Who is the
11 subject?

12 MR. LANDREAU: Judge, I don't think we're
13 required to disclose this. The subject was not
14 involved in any purchase and was not involved
15 directly in any transaction with the Defendant.

16 MS. FARRAR: I would object on double
17 hearsay.

18 THE COURT: I would overrule the objection,
19 but I will allow it to come in only to show what
20 this officer did, not to prove the truth of the
21 matter asserted.

22 MR. LANDREAU: Certainly, Your Honor.

23 Q What information did y'all receive from this
24 informant of Sergeant Lawrence's?

25 A That the subject known as Jerry Whitley was

1 manufacturing meth at one of the trailers in Rusk
2 Trailer Park.

3 Q Did you receive any information concerning
4 whether or not Mr. Whitley was armed or unarmed
5 or whether or not there was anything unusual
6 about this trailer?

7 A The information was the trailer was
8 booby-trapped, and there were supposed to be
9 several weapons also at the trailer.

10 Q Now, at that point, based on the information that
11 the informant had given you, did you feel you had
12 sufficient information to obtain a search
13 warrant?

14 A I didn't think we had sufficient information.

15 Q Specifically, did you have an address --

16 A No, sir.

17 Q -- where this was supposed to be taking place?

18 A The informant could not provide an address for
19 Mr. Whitley.

20 Q Did he provide a description of the trailer
21 itself?

22 A He described some of the vehicles there. I
23 believe he described the trailer, but mostly he
24 described the vehicles that should be at the
25 trailer.

1 Q Did anyone from Metro Narcotics Task Force go to
2 Rusk Trailer Park after receiving this
3 information?

4 A Yes, sir.

5 Q Who all went?

6 A It was myself, Agent Whitten, and Agent Memmo.

7 Q And what was y'all's purpose in going?

8 A We were trying to locate the trailer park. Also,
9 see if there was any activity at the trailer and
10 see if we could smell a chemical smell, based on
11 the informant's information. If the meth lab was
12 running, we should smell chemicals.

13 Q So you basically were following up trying to
14 verify what the informant had given you?

15 A Yes, sir.

16 Q Now, when you went to Rusk Trailer Park, did
17 y'all locate a trailer that had vehicles parked
18 in front of it that corresponded to those the
19 informant told you?

20 A Yes, sir, we did.

21 Q At that point did you know for sure who resided
22 in that trailer or who was renting that trailer?

23 A No, sir, not at that point.

24 Q What did y'all do after you located these
25 vehicles?

1 A We set up surveillance and watched the trailer
2 for a few minutes, and then we observed a subject
3 come out and walk towards one of the vehicles.

4 Q Did you later identify that subject?

5 A Yes, sir.

6 Q And who was that?

7 A His name was Steve Moseson.

8 Q Did anyone approach Mr. Moseson?

9 A Yes, sir. All three agents approached him.

10 Q Did you notice anything unusual about his person,
11 demeanor, appearance?

12 A As soon as we walked up to him, he kind of -- he
13 had a shaken look on his face. He had a smell --
14 we could smell chemicals on him. At that time we
15 patted him down for officer safety.

16 Q Sergeant Price, have you received any training on
17 methamphetamine labs?

18 A Yes, sir, I have.

19 Q Do those labs produce certain distinctive odors?

20 A Yes, sir.

21 Q And have you been trained to recognize those
22 odors?

23 A Yes, sir.

24 Q The odors that were coming from the person from
25 Moseson, were they, in fact, the odors associated

1 with a methamphetamine lab?

2 A Yes, sir.

3 Q And you said he was patted down for officer
4 safety?

5 A That's correct.

6 Q Was any contraband located on him?

7 A Yes. A small plastic bag containing
8 methamphetamine.

9 Q You've seen methamphetamine before?

10 A Yes, sir.

11 Q And based on your experience and training, the
12 substance you recovered from Moseson was, in
13 fact, methamphetamine?

14 A Yes, sir.

15 Q What did the agents do next?

16 A Placed Mr. Moseson under arrest.

17 Q For what?

18 A Possession of methamphetamine.

19 Q Then what did the officers do?

20 A At that time we approached. Myself and Agent
21 Whitten went to the front door of the trailer. I
22 had Agent Memmo go to the rear door. I knocked
23 on the door.

24 Q And at that time what was your purpose in going
25 to the door and knocking?

1 A To see who lived at this trailer.

2 Q Were you trying to verify that this was the
3 trailer of Jerry Whitley?

4 A Yes, sir, I was.

5 Q Did someone answer the door?

6 A Yes, sir. A female answered the door.

7 Q Do you now know who that female was?

8 A Yes, sir. Her name was Caylene White.

9 Q Did you know her at the time?

10 A No, sir.

11 Q And when Ms. White answered the door, was there
12 any conversation between you and she or any other
13 person with you?

14 A I asked her if Jerry was home, but the first
15 thing that struck me when the door opened was the
16 smell that came out and hit us.

17 Q What smell was that?

18 A A strong ether smell.

19 Q And is ether associated in any way with the
20 production of methamphetamine?

21 A Yes, sir.

22 Q So this was a smell consistent with a
23 methamphetamine lab?

24 A Yes, sir.

25 Q You were telling me once you smelled this odor,

1 what, if anything, transpired between you and any
2 other officer and Ms. White?

3 A I asked Ms. White if Mr. Whitley was there or if
4 Jerry was there. She said, yes, he is. I said
5 can I speak to him. At that time she turned and
6 said, Jerry, they want to speak to you, and Mr.
7 Whitley stepped out the door.

8 Q Now, when you approached this trailer, how were
9 you dressed?

10 A I was wearing my Metro raid vest and also had my
11 side arm on.

12 Q Does this raid vest have the words Metro
13 Narcotics on it?

14 A Yes, sir. It's a black mesh vest with a star on
15 the front that says Metro Narcotics Task Force,
16 and on the back is a big patch that says Metro
17 Narcotics Agent.

18 Q So you were wearing items of clothing that
19 clearly identified you as a law enforcement
20 officer?

21 A Yes, sir.

22 Q You said she turned and told, Jerry, they want to
23 talk to you?

24 A That's correct.

25 Q And did someone else come to the door at that

1 point?

2 A At that time Mr. Whitley came to the door.

3 Q Now, was this the first time you had ever met Mr.
4 Whitley?

5 A No, sir.

6 Q How did you know Mr. Whitley?

7 A I've known Mr. Whitley since he was a child. We
8 grew up in the same neighborhood.

9 Q Is Mr. Whitley in the courtroom today?

10 A Yes, sir, he is.

11 Q Would you point him out to us?

12 A He's sitting at the defense table with the blue
13 shirt.

14 Q Now, was that the same man who came to the door
15 of the trailer on the night of September 21st,
16 2001?

17 A Yes, sir, it is.

18 Q Once Mr. Whitley came to the door, what happened?

19 A He was very excited. I asked him to step out to
20 talk to him and when he stepped out, I noticed he
21 had a big wrench in his pocket, so I removed the
22 wrench and when I removed the wrench, a bag of
23 methamphetamine fell on the ground. At that time
24 I grabbed him by the arms and told him to calm
25 down because he started to like run in place.

1 Q Let me stop you. Did he appear nervous when he
2 answered the door?

3 A Very nervous.

4 Q And you noticed that he had a wrench, a large
5 tool or wrench in his pocket?

6 A Yes.

7 Q Why did you remove the wrench?

8 A Because I thought -- I saw that as a possible
9 weapon.

10 Q And when you removed the wrench, you said a bag
11 of methamphetamine fell out?

12 A Yes, sir.

13 Q And you've seen methamphetamine before?

14 A Yes, sir, I have.

15 Q And, in fact, that substance was sent to a lab
16 and verified to be methamphetamine; is that
17 correct?

18 A That's correct.

19 Q At that point what did you do?

20 A I grabbed him by his arms because, like I said,
21 he started to try to run, and he turned towards
22 the trailer and said set it off, blow it up.
23 Caylene, you know what you got to do. And then I
24 finally cuffed him and put him on the back of a
25 car that was there.

1 Q Now, y'all had received some information from
2 this informant about the trailer and certain
3 things being rigged a certain way inside; is that
4 correct?

5 A The information we had was that he had some type
6 of booby-trap that he could set off.

7 Q And when he began to yell blow it up, what did
8 you feel like that referenced?

9 A I felt like that he had meant to set off the
10 booby-trap to blow up the trailer.

11 Q Now, this particular trailer, does it sit in a
12 trailer park, or does it sit on a piece of
13 property by itself?

14 A It sits in a trailer park.

15 Q How close are the nearest trailers?

16 A They're just a few feet apart.

17 Q Can you give us something in the courtroom that
18 would be about the same distance?

19 A They're probably from about here to the bench
20 behind Mr. Whitley. Only about a few feet, 20.

21 Q Are there trailers on either side of this
22 particular trailer?

23 A On the right and left side, and also in the
24 front.

25 Q Did you observe whether or not any of those

1 trailers appeared to be occupied?

2 A Yes, sir.

3 Q Sergeant, in your opinion, had this trailer been
4 blown up, would it have endangered any of the
5 people in that trailer park?

6 A In my opinion, yes, sir, it would have.

7 Q Would it have endangered, considering where you
8 and the other officers were standing, would it
9 have endangered you?

10 A Yes, sir.

11 Q What did the officers do when Mr. Whitley began
12 screaming blow it up?

13 A At that time Agent Whitten went in and removed
14 Ms. White from the trailer. About the same time
15 Agent Memmo had come back around front, and once
16 Ms. White was placed into custody, Mr. Whitley
17 then started yelling, Wayne, set it off. Wayne,
18 blow it up. You know what you got to do. Wayne,
19 do it. And at that time Agents Whitten and Memmo
20 ran back in the trailer and came out with a
21 subject later identified as Wayne Meadows.

22 Q So there were two other subjects in the trailer,
23 Ms. White and a guy named Meadows?

24 A That's correct.

25 Q And after Ms. White was secured, the Defendant

1 began to yell blow it up, Wayne?

2 A That's correct.

3 Q Officers went in and secured Wayne Meadows?

4 A That's correct.

5 Q Did they bring him out of the trailer?

6 A Yes, they did.

7 Q Let me ask you, Sergeant, at that point was a
8 search warrant secured?

9 A The trailer was secured. All subjects were
10 placed out front till we got the police vehicles
11 to contain them, and then a search warrant was
12 obtained.

13 Q And the search warrant was then executed?

14 A Yes, sir.

15 Q Mr. Whitley had already been arrested, I take it,
16 for possession of methamphetamine?

17 A That's correct.

18 Q Okay. And that location is in Russell County?

19 A Yes, sir, it is.

20 MR. LANDREAU: Ms. Farrar may have some
21 questions for you.

22 CROSS-EXAMINATION

23 BY MS. FARRAR:

24 Q Sergeant Price?

25 A Yes, ma'am.

1 Q Good afternoon.

2 A Good afternoon.

3 Q So Mr. Whitley had already been arrested for
4 methamphetamine, but his rights weren't read to
5 him, were they?

6 A At that time we had no time to read him his
7 rights. We were worried about the trailer
8 blowing up.

9 Q If you know, did Mr. Whitley have his rights read
10 to him at all?

11 A I believe once he got transported to the
12 sheriff's department, he would have had his
13 rights read to him if he was questioned.

14 Q But you weren't present at that time; correct?

15 A I don't recall, no, ma'am.

16 Q So it's your testimony that when Mr. Whitley was
17 removed from the trailer that Wayne Meadows and
18 Caylene White were still inside; correct?

19 A Yes, ma'am.

20 Q And you said, in your opinion, to not go in would
21 have endangered other trailers in the trailer
22 park, but how many feet was the nearest trailer
23 away? You stated from where you are to the bench
24 behind me. That's probably at least 25 feet,
25 isn't it?

1 A Approximately, yes.

2 Q Might even be 50 feet, might it?

3 A I don't think it's 50. It's not that far. I
4 mean, they're put in pretty tight.

5 Q And your testimony is that the wrench fell out of
6 Mr. Whitley's pocket as you were pulling him out
7 of the trailer?

8 A No. I asked him to step out of the trailer. He
9 had a wrench in his pocket. I pulled the wrench
10 out of his pocket and when I did that, then the
11 methamphetamine fell on the ground. He was
12 already jumping around kind of real nervous.

13 Q So Mr. Whitley fell out of the trailer when the
14 wrench came out?

15 A No. He stepped out on his own. I asked him to
16 step --

17 Q Was that before or after you pulled the wrench
18 out of his pocket?

19 A No. He had already stepped down, and that's when
20 I took the wrench out of his pocket.

21 Q And was he laying on the ground at that point?

22 A He was never on the ground.

23 Q Did you personally have any words with Caylene
24 White before she came out of the trailer?

25 A I asked her if Jerry was there, and she turned

1 and said, Jerry, they want to talk to you. Those
2 were the only words I had with her.

3 Q And then what'd she do?

4 A She turned and said, Jerry, they want to talk to
5 you, and then that's when Mr. Whitley stepped
6 out.

7 Q He stepped out of the trailer?

8 A Yes, he did.

9 Q Do you remember an outside door?

10 A An outside door? He stepped out the door, came
11 down the steps. First words were hey, Jim.

12 Q So he acknowledged that he knew you; correct?

13 A That's correct.

14 Q What was the alleged methamphetamine contained in
15 that fell out of his pocket?

16 A It was in a little piece of plastic.

17 Q Did you struggle at all at the door?

18 A I didn't struggle until I pulled the wrench --

19 Q Yes or no?

20 MR. LANDREAU: Judge, I object. He's trying
21 to answer.

22 THE COURT: Well, if he wants to give any
23 further response, you may bring it out on
24 cross-examination of this witness or redirect.
25 You may proceed, Ms. Farrar.

1 Q Did you struggle at all at the door?

2 A Not at the door.

3 Q How long in minutes or hours were you watching
4 the residence in your surveillance?

5 A It wasn't but a few minutes. I'm not sure.

6 Q Shorter than 10 minutes?

7 A May have been 10, 15 minutes.

8 Q What time of day was it that you first went to
9 the trailer?

10 A I don't recall the exact time. It was in the
11 afternoon.

12 Q Was it before 5:00?

13 A I don't recall. I think it was after, but I'm
14 not sure. It might have been right at five or a
15 little after. I'm not sure.

16 Q Did you personally talk to Sergeant Lawrence
17 concerning the informant?

18 A No, ma'am.

19 Q Have you talked to him since concerning the
20 informant?

21 A No, ma'am, I haven't.

22 Q Did you prepare a warrant before you went to the
23 Whitley house?

24 A A warrant, as in a search warrant?

25 Q Correct.

1 A No, ma'am. We didn't have an address.

2 Q Did you have a form that you were going to use as
3 soon as you could fill in the blanks?

4 A We had no search warrant whatsoever. We went out
5 there under -- we went to pull surveillance on it
6 to see if there were any -- actually, to find the
7 trailer and then to see if there's any activity.

8 Q Did you personally arrest Steve Moseson?

9 A Did I actually arrest him? I was present when he
10 was arrested, but I don't think I actually placed
11 the cuffs on him.

12 Q Did you read him his rights?

13 A At that time? No, we didn't read him his rights.

14 Q Did you personally observe the pat-down?

15 A Yes.

16 Q Did the person patting Moseson down reach into
17 any pocket?

18 MR. LANDREAU: Judge, I object. It's
19 irrelevant to this Defendant as to how some other
20 defendant was searched. This Defendant has no
21 standing.

22 THE COURT: Well, I think this was brought
23 out on direct examination that he was arrested
24 and it's part of -- I don't know that this
25 Defendant would have standing to challenge that

1 arrest. It's part of the transaction that was
2 used to lead to the entry into the trailer, so
3 I'll overrule your objection.

4 Q You can answer the question.

5 A When he was patted down, I believe they did go in
6 his pocket.

7 Q Did you -- withdraw. Where did Moseson go when
8 he came out of the building, if anywhere, before
9 he went to the vehicle?

10 A He came straight out and started walking straight
11 to the vehicle. It's a red pickup truck.

12 Q Where was the red pickup truck parked in relation
13 to the trailer?

14 A Right on the street, right by the -- there were
15 several cars. It was parked just kind of in the
16 driveway but facing away from the trailer, facing
17 north.

18 Q So was he actually standing on the property or on
19 the road?

20 A He was on the property.

21 Q Did Metro Narcotics officers approach him by
22 walking onto the property?

23 A Yes, we sure did.

24 Q How many feet was it from the road, if you know?

25 A It was like half on the road and half in the

1 street.

2 Q I don't understand what you mean.

3 A He wasn't all the way in the road and he wasn't
4 all the way in the yard. He was like parked
5 right at the front of the driveway parallel.

6 Q Was he actually standing on the --

7 A Property?

8 THE COURT: Well, Ms. Farrar, this is a
9 motion to suppress, not a discovery hearing. If
10 you'll proceed on the issues involving your
11 motion to suppress.

12 Q You testified that Moseson acted nervous and
13 looked toward the trailer. Was there any other
14 action that he did that conveyed nervousness, in
15 your opinion?

16 A He was --

17 Q That you observed, I'm sorry?

18 A He was just extremely nervous when we approached.

19 Q Well, did his face turn red?

20 A No, it kind of went white.

21 Q He went white. Did he shake?

22 A Yes, he was shaking.

23 Q Did he put his hand in his pocket?

24 A I don't remember if he put his hand in his pocket
25 or not.

1 Q Did you observe any other people that were out
2 when you approached Moseson?

3 A No. He was the only one that came out the
4 trailer.

5 Q Were the windows open, if you remember?

6 A On the trailer?

7 Q Yes.

8 A No, not that I noticed.

9 Q Do you remember a storm door on the front of the
10 trailer?

11 A No, ma'am, I don't remember that. I know there
12 is, but I don't remember if it was open or
13 closed.

14 Q Did you notice that there might have been a car
15 with a hood open or a vehicle with a hood open?

16 A There were several cars in the yard. I'm not
17 sure if one of them had the hood up or not.

18 Q Did you personally take a statement from any of
19 the defendants?

20 A I don't recall. I don't think I did.

21 Q What happened after the wrench was removed and
22 the seized item fell out of Mr. Whitley's pocket?

23 A He tried to run from the trailer and that's why I
24 latched onto his arm, and he spun. And then I
25 grabbed his other arm and I kind of held him, and

1 he was running in place all the time, yelling at
2 Caylene to blow it up.

3 Q Did you hear any response from inside the trailer
4 to that?

5 A I could see her at the door. She was just
6 standing there, and that's when Agent Whitten
7 went and grabbed her.

8 Q Agent Whitten entered the house?

9 A He went upstairs, grabbed her from the door. I
10 don't know if he went in. He may have, but he
11 pulled her from the trailer.

12 Q Was the wrench in the front or the rear pocket?

13 A I believe it was a right front pocket.

14 Q Did you go back in the trailer after you got
15 Caylene out?

16 A The only time I went back in the trailer, they --
17 once they had removed Mr. Meadows, they had them
18 out there, and I didn't know if anybody else was
19 in there. I asked was anybody else in the
20 trailer, I asked the subjects, and nobody said
21 anything, so I myself went in and the chemicals
22 were so strong, I made it to the kitchen and I
23 tried to open the back door. I later found out
24 that they were screwed shut with steel screws. I
25 couldn't breath anymore, and then I came back out

1 of the trailer.

2 Q Where was the Metro -- where were the Metro
3 vehicles parked during this surveillance?

4 A We were down from the trailer. Probably one or
5 two trailers down.

6 MS. FARRAR: That's all I have at this time,
7 Your Honor.

8 MR. LANDREAU: Just a couple of questions.

9 REDIRECT EXAMINATION

10 BY MR. LANDREAU:

11 Q Did Mr. Whitley make any statements in your
12 presence?

13 A About the methamphetamine?

14 Q Yes.

15 A Basically, he said -- you know, he was just
16 making general statements. He was rambling the
17 whole time, and he said he knew he messed up and
18 stuff like that. But as far as a written
19 statement or anything, no.

20 Q These oral statements that he made, was it in
21 response to any questions that you or any other
22 officer asked?

23 A No.

24 Q Okay.

25 MR. LANDREAU: No further from this

1 officer.

2 THE COURT: Do you have anything further
3 from this witness, Ms. Farrar?

4 MS. FARRAR: No, not at this time, unless
5 it's in rebuttal.

6 THE COURT: All right. You may step down.
7 Who is the State's next witness?

8 THE WITNESS: Thank you, Your Honor.

9 MR. LANDREAU: Judge, may this witness be
10 excused?

11 THE COURT: He may be excused, but be where
12 we can call you in case we have to have you back.

13 THE WITNESS: Yes, sir.

14 THE COURT: Thank you.

15 THE WITNESS: Thank you.

16 MS. FARRAR: Your Honor, I have just
17 realized that Caylene White, whom I have
18 subpoenaed, is not here today.

19 THE COURT: Well, I mean, you know, it's a
20 little late to be informing the Court of that.

21 MS. FARRAR: Your Honor, with apologies, we
22 had just started the testimony when I realized
23 it. I would just request that a deputy, at the
24 convenience of the Court, be sent to get her. I
25 sent my subpoenas out, I believe, Friday.

1 Thursday or Friday.

2 THE COURT: Is there any particular reason
3 why you waited to send them out? Have they been
4 served? The Court can't order an attachment if
5 she's not been served to be here.

6 MS. FARRAR: I don't have that information,
7 Your Honor.

8 THE COURT: Well --

9 MS. FARRAR: I could get it on a break.

10 THE COURT: Yeah. I cannot order it unless
11 she has actually been served.

12 Who is the State's next witness?

13 MR. LANDREAU: Agent Whitten.

14 JASON WHITTEN

15 was sworn and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. LANDREAU:

18 Q State your full name, please, sir?

19 A Sergeant Jason Whitten.

20 Q You're employed with who?

21 A Phenix City Police Department.

22 Q And how are you assigned?

23 A I'm currently assigned to the Metro Narcotics
24 Task Force.

25 Q Were you so assigned back on September 21st of

1 2001?

2 A Yes, sir.

3 Q On that day, Sergeant Whitten, did you receive
4 some information concerning a methamphetamine lab
5 in Rusk Trailer Park in Phenix City?

6 A Yes, sir.

7 Q And how did you receive that information?

8 A From Sergeant Lawrence from the Phenix City
9 Police Department had called me.

10 Q Did you call him back?

11 A Yes, sir.

12 Q And was there some other person you were talking
13 to in addition to Sergeant Lawrence?

14 A Yes, sir. There was a subject in his office.

15 Q Now, what information did that subject give you?

16 MR. LANDREAU: And, Your Honor, for the
17 record, we're introducing it for the same
18 purpose, to show the actions of the officers, not
19 for the truth of the matter.

20 THE COURT: It would not be allowed in to
21 prove the truth of the matter asserted.

22 MS. FARRAR: Still I'd renew my objection,
23 Your Honor.

24 THE COURT: Okay.

25 A Sergeant Lawrence told me what the informant said

1 to him and then I got on the phone with the
2 informant, and the informant went over the same
3 information that Sergeant Lawrence had told me.
4 He had stated --

5 Q Let me ask you this. Did the informant give you
6 a location for this lab?

7 A Yes, sir.

8 Q What did he tell you?

9 A He said it was about three quarters away down
10 Rusk Drive on the right, excuse me, on the left.
11 Described the yawning that was on the trailer and
12 the vehicles in the driveway.

13 MS. FARRAR: Again, I object, Your Honor,
14 hearsay.

15 THE COURT: Court has previously ruled that
16 it would allow this testimony in only to show the
17 reason for the officer taking his action, not to
18 prove the truth of the matter asserted, and the
19 same ruling will apply.

20 MS. FARRAR: So I will be allowed a
21 continuing objection, Your Honor?

22 THE COURT: Yeah. You can keep objecting
23 all you want. Go right ahead.

24 Q So the informant gave you an approximate location
25 of the trailer and described some vehicles that

1 would be located there?

2 A Yes, sir.

3 Q Specifically, did the informant give you an
4 address?

5 A No, sir.

6 Q Did he give you the name of an occupant or the
7 person who was renting the trailer?

8 A Yes, sir.

9 Q And who was that?

10 A Jerry Whitley.

11 Q Now, did he give you any information as to
12 whether or not there were drugs located there?

13 A Stated that there was a cook going on.

14 Q Was he able to tell you how long it had been?

15 A He said it was that day.

16 Q And do you recall what time this was when you
17 spoke with this person?

18 A Probably around noon, 1:00. Maybe 2:00.

19 Q Now, at that point, based on your experience and
20 training, did you feel like you had sufficient
21 evidence to obtain a search warrant?

22 A No, sir.

23 Q So what did you do?

24 A Went to the trailer park and set up surveillance
25 on the trailer.

1 Q What was the purpose of the surveillance?

2 A Just to see if we could observe subjects coming
3 and going, observe odors of methamphetamine labs.

4 Q Were you trying to confirm any of the information
5 that the informant had given you?

6 A Yes, sir.

7 Q And were you attempting to determine a street
8 address for this property?

9 A Yes, sir.

10 Q Or at least a better physical address?

11 A Yes, sir.

12 Q Now, do you recall what time you and the other
13 officers got to this area?

14 A It was probably around 2:30 in the afternoon.

15 Q And do you recall how long y'all set up
16 surveillance?

17 A I would say 15, 20 minutes. We weren't there
18 very long.

19 Q And what happened after 15 or 20 minutes?

20 A I observed a red-haired subject, later identified
21 as Steve Moseson, exit the trailer and walk to a
22 vehicle parked in the roadway.

23 Q Now, this particular trailer, are there other
24 trailers around it?

25 A Yes, sir.

1 Q And how close, in your opinion, are the other
2 trailers?

3 A In my estimation of it, probably two-and-a-half
4 to three car widths, not lengths, apart.

5 Q Were there vehicles parked around this trailer?

6 A Yes, sir.

7 Q Now, this particular trailer, is it located on a
8 separate piece of land, or what's commonly called
9 a trailer park?

10 A No, it's a trailer park.

11 Q How many trailers all total do you think are in
12 there?

13 A Maybe a hundred. It's a pretty good size trailer
14 park.

15 Q Did there appear to be other people present in
16 the trailer park?

17 A Yes, sir, there was.

18 Q And when you approached Mr. Moseson, where was he
19 standing?

20 A I observed him exit the trailer and walk toward a
21 small pickup truck that was parked, I guess, in
22 the roadway and on the property, maybe the
23 easement, perpendicular to the trailer facing
24 toward the dead end of the street. He --

25 Q Let me stop you and ask you, the trailer he came

1 out, did it approximately match the description
2 given by the informant?

3 A Yes, sir.

4 Q Did it have some vehicles around it?

5 A Yes, sir.

6 Q And did they match up with what the informant had
7 told you?

8 A Yes, sir.

9 Q Okay. Did you approach Mr. Moseson?

10 A Yes, sir, I did.

11 Q Notice anything unusual about him?

12 A Yes, sir. When I first approached Mr. Moseson, I
13 told him who I was, and he became very nervous,
14 and at one point I thought he was going to
15 faint. He was kind of queasy, acting like he was
16 about to be sick or faint. I asked him was Jerry
17 inside the trailer, and he looked at one of the
18 windows and stared at the window, and I observed
19 him looking at what I thought was one of those
20 little infrared cameras. He looked at the window
21 and reached toward one of his pockets. At this
22 point, along with the -- he had a strong odor of
23 it was either ether or some type of solvent on
24 his person, he was detained.

25 I checked his pocket that he had reached

1 for. I did a pat-down search of him. I felt
2 what appeared to be to me, in my experience, is a
3 plastic bag in his pocket.

4 Q Let me stop you right there. You said he was
5 looking towards what you took to be a camera?

6 A Yes, sir.

7 Q Had the informant given you any information about
8 surveillance equipment being there?

9 A Yes, the informant did.

10 Q Later on were you able to confirm whether or not
11 there were surveillance cameras?

12 A Yes, sir.

13 Q And where were those cameras situated?

14 A There was --

15 MS. FARRAR: Objection. That's not in
16 evidence. That would be from after the search
17 warrant.

18 Q Well, let me ask it this way. Were the cameras
19 visible from outside the trailer?

20 A Yes, sir.

21 Q Where were the cameras located?

22 A They were mounted in the windows, one facing kind
23 of at an angle out one of the side windows.

24 Q Would that have given someone -- that camera,
25 would it have been facing the roadway?

1 A Yes, sir, if somebody had been watching it.

2 Q Let me ask you. Had the informant given you any
3 information about anything unusual about this
4 trailer as far as how it was rigged?

5 A Yes, sir.

6 MS. FARRAR: Objection.

7 Q What had the informant told you?

8 THE COURT: I'm going to sustain the
9 objection. I don't think that's necessary at
10 this point, and especially since this is
11 apparently hearsay testimony that's given to
12 Officer Lawrence, not to this officer. Is that
13 correct?

14 MR. LANDREAU: Judge, my understanding --
15 let me ask that because that's not --

16 Q Did the informant give this information directly
17 to you or to Sergeant --

18 A Yes, sir. I spoke on the phone with the
19 informant while he was in Sergeant Lawrence's
20 office.

21 MS. FARRAR: I would object for relevance.

22 MR. LANDREAU: Judge, it goes to the state
23 of mind of the officers in determining whether or
24 not they felt like they had exigent circumstances
25 and/or an emergency situation.

1 THE COURT: Well, I would think that would
2 already be established by the fact that it's been
3 testified that two individuals were requested to
4 blow it up.

5 MR. LANDREAU: Yes, sir.

6 THE COURT: And I think that would be
7 sufficient.

8 MR. LANDREAU: We'll move on.

9 Q Now, did Mr. Moseson have any type of contraband
10 on him?

11 A Yes, sir.

12 Q After meeting with Mr. Moseson, did officers
13 approach the mobile home?

14 A Yes, sir.

15 Q Who all approached and where did they approach?

16 A Agent Memmo went to the rear of the trailer, and
17 myself and Sergeant Price went to the front door.

18 Q What was y'all's purpose in going to the front
19 door?

20 A We were going to speak to Mr. Whitley.

21 Q Were you trying to confirm something?

22 A Yeah. We were trying to establish if this was
23 where Mr. Whitley lived and get an address on the
24 trailer.

25 Q Did someone knock on the door?

1 A Yes, sir.

2 Q And who was that?

3 A Sergeant Price.

4 Q How were you dressed, Agent?

5 A I had a gun belt on with accessories on the gun
6 belt. I had a mesh raid vest on with a Metro
7 Narcotics star and symbol on the front, my badge
8 hanging on my shoulder, and a Metro Narcotics
9 Agent patch on my back.

10 Q In your opinion, someone looking at you, would
11 they have been able to identify you as a law
12 enforcement officer?

13 A Yes, sir.

14 Q Who answered the door?

15 A A female subject later identified as Caylene
16 White.

17 Q And what happened when she answered the door?

18 A Sergeant Price asked her if Jerry was home. She
19 turned evidently to Jerry at the doorway and said
20 they want to talk to you.

21 Q And then did someone else come to the door?

22 A Yes, sir.

23 Q And who was that other person?

24 A Mr. Jerry Whitley.

25 Q The same gentleman seated in the courtroom today?

1 A Yes, sir. Sitting at defense table with the blue
2 shirt on.

3 Q And what did he say when he came to the door?

4 A He came to the door and stepped out of the door
5 about halfway down the steps, tried to go through
6 Sergeant Price and myself. At this point
7 Sergeant Price grabbed a wrench out of his
8 pocket. I believe there was a wrench in each
9 of -- one front pocket and one of his back
10 pockets. At that point when the wrenches come --
11 one of the wrenches were being pulled out of his
12 pocket, Mr. Whitley began to struggle to get past
13 agents and started yelling back at Caylene to do
14 it, set it off, blow it.

15 Q Then what happened?

16 A I pulled Caylene White off of the -- out of the
17 door frame, pulled her out. She began to
18 struggle and fight with me. She was placed under
19 arrest. Then Mr. Whitley started screaming do
20 it, Wayne. Do it. Wayne, set it off. Blow it,
21 Wayne. Blow it. At that time Agent Memmo went
22 into the residence, and I went in behind Agent
23 Memmo and cuffed a subject inside by the name of
24 Wayne Meadows.

25 Q Now, at that point why did you and Agent Memmo

1 enter?

2 A At that point we feared that they were going to
3 blow the trailer up and endanger ourselves and
4 the other members of the residence.

5 Q You've had training in methamphetamine labs?

6 A Yes, sir.

7 Q Do such labs, based on your training, pose any
8 threat of explosion?

9 A Yes, sir.

10 Q And that would be a large explosion or --

11 A Yes, sir, depending on the amount of chemicals
12 and --

13 MS. FARRAR: Objection. Proper foundation
14 has not been laid.

15 MR. LANDREAU: Withdraw it.

16 Q You entered the trailer?

17 A Yes, sir.

18 Q And you secured someone named Moseson?

19 A No, sir, Meadows.

20 Q Meadows. Now, while you were in the trailer
21 securing him, was he in the front of the trailer
22 or the back?

23 A When I went in, I believe Agent Memmo was kind of
24 pulling him toward the doorway from the kitchen
25 area. When I assisted him in cuffing Mr.

1 Meadows, we were, I guess, in the living area of
2 the trailer, right near the door that we had
3 entered. Mr. Meadows had some type of solvent or
4 ether spilled about his person while all this was
5 going on. He was cuffed for officer safety and
6 his safety and brought outside the residence. I
7 didn't go back in the trailer at this point due
8 to the fumes and due to, I guess, the chemical
9 vapors, and Sergeant Price and I believe --

10 Q Okay. Let me interrupt you. In going back to
11 get Mr. Meadows, did you notice any unusual odors
12 or smells?

13 A Yes, sir, I did.

14 Q And what smells were those?

15 A It was a solvent type ammonia, ether type
16 chemical smell.

17 MS. FARRAR: Objection.

18 THE COURT: Overruled.

19 Q Have you had training on the smells associated
20 with methamphetamine labs?

21 A Yes, sir.

22 Q And did these smells that you noted that night,
23 were they the same as what you had been trained
24 on?

25 A Yes, sir.

1 Q In going back to secure Mr. Meadows, did you
2 notice any apparatus or equipment or anything
3 else that you've been taught to recognize as part
4 of a methamphetamine lab?

5 A Yes, sir.

6 MS. FARRAR: Objection.

7 THE COURT: Overruled.

8 Q What did you see, Agent Whitten?

9 A I saw compressed gas cylinders of various sizes,
10 shapes and colors, brass fitting hoses. I saw a
11 canister in the kitchen area that had fumes
12 coming from inside of it.

13 Q Anything else?

14 A I also saw handguns throughout the living room.

15 Q Okay.

16 A And surveillance equipment.

17 Q Did you withdraw?

18 A Yes, sir.

19 Q Now, let me ask you, at that point did you obtain
20 a search warrant?

21 A Yes, sir, I did.

22 Q Let me show you what I've marked as State's
23 Exhibit 1. Is this the search warrant that you
24 obtained?

25 A Yes, sir, it is.

1 Q And that was signed, I believe, by Judge
2 Funderburk?

3 A Yes, sir.

4 MR. LANDREAU: Judge, we move to admit
5 State's Exhibit 1.

6 THE COURT: Be admitted and received.

7 (State's Exhibit 1 was admitted in
8 evidence.)

9 Q Now, Agent Whitten, did you note, in examining
10 this trailer after you got the search warrant,
11 did you note anything that appeared to be a
12 booby-trap in it?

13 A Yes, sir.

14 Q What did you see?

15 A I saw a fishing line strung from the ceilings on
16 metal eye hooks going around all the walls and
17 windows and doors going to a candle in the back
18 bathroom, and in the back bathroom there were
19 several containers of solvents and other
20 flammable materials.

21 Q Now, the way this fishing string was done, could
22 someone by grabbing that have tipped over the
23 solvents and so forth at the back?

24 A Yes, sir.

25 MS. FARRAR: Objection. It calls for an

1 opinion.

2 Q Well, let me ask it this way. Did the fishing
3 line run all the way back to these solvents?

4 A Yes, sir.

5 Q And was it a continuous line that went all the
6 way back?

7 A It appeared to be.

8 Q And what end of the line was to the solvents?
9 Where was the other end of the line?

10 A I don't know. Just strung through around the
11 ceiling and doorways.

12 Q Let me ask you, there was some question about a
13 surveillance camera later on?

14 A Yes, sir.

15 Q Do you recognize this photograph?

16 A Yes, sir.

17 Q Does this photograph depict one of those
18 surveillance cameras?

19 A Yes, sir, it does.

20 MR. LANDREAU: Judge, we move to --

21 THE COURT: Keep in mind this is a
22 suppression hearing.

23 MR. LANDREAU: Yes, sir. Judge, we were
24 going to ask for leave to substitute, but I'll
25 withdraw these at this point.